



Chino Mines Company
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June 11, 2009

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Ms. Marcy Leavitt, Director
New Mexico Environment Department
Water and Waste Management Division
P. O. Box 26110
Santa Fe, New Mexico 87502

Dear Ms. Leavitt:

Re: Interim Remedial Action Completion Report,
Groundhog Mine Site, Hanover/Whitewater Creek Investigation Unit.

Freeport-McMoRan Chino Mines Company (Chino) received the New Mexico Environment Department's (NMED's) comments to the referenced Completion Report for the Interim Remedial Action (IRA) in a letter dated May 27, 2009. The Interim Remedial Action was conducted under the Hanover/Whitewater Creek Investigation Unit of the Chino Administrative Order on Consent. Submitted under separate cover today to Mr. Phil Harrigan are replacement pages for and electronic copies of the revised IRA Completion Report in response to the NMED's comments. Chino also submitted a written response to the NMED's comments along with the revisions.

Please contact Ms. Kate Lynnes at (575) 537-4228, if you have any questions.

Sincerely,

Timothy E. Eastep, Manager
Environment, Land & Water

TEE:pp
20090611-001

c Messrs: Phil Harrigan, NMED
Jerry Schoeppner, NMED
Chris Eustice, MMD
Mark Purcell, EPA

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**RESPONSE TO NMED COMMENTS ON THE
GROUNDHOG MINE SITE IRA COMPLETION REPORT FOR
THE HANOVER/WHITEWATER CREEK INVESTIGATION UNIT (HWCIU)**

This document presents Freeport-McMoRan Chino Mines Company's (Chino) response to comments from the New Mexico Environment Department (NMED) on the Groundhog Mine Site Interim Remedial Action (IRA) Completion Report for the Hanover/Whitewater Creek Investigation Unit (HWCIU). These comments were received from the NMED in a letter dated May 27, 2009. The report was prepared in accordance with the Administrative Order on Consent (AOC) between Chino and the NMED. The Completion Report has been revised to incorporate new language to address the NMED comments.

The following is organized to present a response to each comment received from the NMED.

1. Page 5, Section 3.3: the first three bullets discuss the initial sump installed on the south side of the headwall. The fourth bullet begins "This sump has been used", indicating to this reader a reference to the same sump in the previous bullets; however, it should be referring to a second sump installed north of the headwall. Please clarify this bullet and identify the sumps on figure 2 or 13.

Chino Response: The fourth bullet on page 5 has been revised to read:

"A sump downgradient of the headwall (Figure 13) has been used for stormwater collection on two occasions. A historical tin can plant was discovered beneath a culvert downgradient of the original concrete cutoff wall. This sump was installed to collect stormwater runoff from the removed tin can plant operation. The collected stormwater was then pumped to the Reservoir 17. The sump was later used to collect stormwater runoff during the construction phase of the current headwall following stockpile removal. Now that these earth work activities have been completed, the sump is generally dry. The sump may be pumped if stormwater were to flow over the headwall in response to a high magnitude storm event. However, water has not overtopped the headwall even during the 100-year rain events of the summer of 2008."

2. Page 9, Section 5.2: please clarify which sump is referenced here. Was this a third sump installed?

Chino Response: The sentence has been revised as follows.

"Seepage monitoring consisted of daily inspections of the downgradient sump below the cutoff wall (Figure 13) during field activities.

3. Page 11, Section 5.3.2: please revise the paragraph beginning “Total metals” to read “Total metals analysis was conducted to determine the nature of the ~~excavated~~ *exposed* bedrock surface prior to cover placement. SPLP testing was performed to determine whether metal concentrations identified by total metals analysis have the potential to leach from the ~~stockpiles~~ *weathered bedrock*.”

Chino Response: The sentence has been revised as requested.

4. Page 13, Section 6.1: although the text states that “sampling will be conducted in September and March” NMED would support opportunistic sampling to occur up to one (1) month earlier.

Chino Response: The following sentence has been added before the last sentence in the paragraph.

“Opportunistic sampling may be conducted up to 1 month earlier in response to rainfall events.”

5. Page 14, Section 6.2: thank you for trying to address Comment 12 in the letter dated March 27, 2009. However, to proceed within the timeline listed in the Completion Report dated February 19, 2009, and the Work Plan dated October 23, 2003, please revise Section 6.2 to the original format with the additional statement below:

“The reclaimed areas will be monitored as follows: The revegetated soil cover and surface-water controls will be inspected, and repaired if necessary, quarterly for 1 year to determine the initial success of the seeding. The surface will be visually monitored for erosion while vegetation physically stabilizes the surface. Thereafter, vegetation will be monitored annually for 4 years as per the IRA Work Plan (Chino, 2003). Results of the vegetation survey will be submitted as part of the annual monitoring report. The vegetation survey will present the data in a format comparable to the Vegetation Success Standards and Success Monitoring Section of Appendix C in the Mining and Minerals Division revision 01-1 To Permit GR000RE including canopy cover, shrub density and plant diversity.”

Chino Response: The paragraph was revised as requested.